

**IN THE UNITED STATES DISTRICT
COURT FOR THE MIDDLE DISTRICT OF
ALABAMA NORTHERN DIVISION**

AMERICAN ALLIANCE FOR EQUAL
RIGHTS,

Plaintiff,

v.

KAY IVEY, in her official capacity as
Governor of Alabama,

Defendant,

and

ALABAMA ASSOCIATION OF REAL
ESTATE BROKERS,

Intervenor Defendant.

No. 2:24-cv-104-RAH (WO)

STIPULATION OF DISMISSAL

Per Rule 41(a)(1)(A)(ii), the parties stipulate to the following:

1. The Alabama Real Estate Appraisers Board (AREAB) was created by statute in 1990 to regulate real-estate appraisers in Alabama.
2. AREAB is comprised of nine members, each of whom is appointed by the Governor.
3. From the time of its enactment in 1990, the statute creating AREAB included a requirement that two of the nine board members “shall be of a minority race.” Ala. Code § 34-27A-4.
4. In 2004, the Alabama Legislature modified this language to say that “no less than two” members shall be racial minorities; it also added a requirement that “[t]he

overall membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.” *Id.*

5. Alabama’s Administrative Code includes these same requirements, stating that “no less than two of the nine board members shall be of a minority race” and that “[t]he overall membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.” Ala. Admin. Code 780- X-1-.02.

6. Plaintiff, the American Alliance for Equal Rights, filed this suit on February 23, 2024, alleging that Ala. Code § 34-27A-4 and Ala. Admin. Code 780-X-1-.02 violate the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

7. Defendant Ivey has consistently maintained her position that Ala. Code § 34-27A-4 and Ala. Admin. Code 780-X-1-.02’s requirement that at least two members of the AREAB be “of a minority race” is an unconstitutional requirement that “she does not—and will not—enforce.” *See* Def’s Resp. to Mot. to Intervene (Doc. 51) at 1; Def.’s Answer (Doc. 36) ¶¶ 30-33; Def.’s Resp. in Opp. to Pl.’s Mot. for TRO/PI (Doc. 20) at 14; Def.’s Resp. to Mot. for J. on the Pleadings (Doc. 62) at 1.

8. Intervenor Defendant Alabama Association of Real Estate Brokers’ position is that Ala. Code § 34-27A-4 and Ala. Admin. Code 780-X-1-.02 are constitutional and reserves all rights. Mot. to Intervene (Doc. 40-1) at 13-15; Intv. Opp.

to Mot. for J. on the Pleadings (Doc. 66) at 2; *compare also* Interv.'s Answer (Doc. 55)

¶¶ 30-31 *with* Compl. (Doc. 1) ¶¶ 30-33.

9. This case is hereby dismissed with prejudice, with the parties to bear their own fees and costs.

Respectfully submitted,

Dated: June 5, 2025.

/s/ Glenn E. Roper

GLENN E. ROPER*

Colo. Bar No. 38723

Pacific Legal Foundation

1745 Shea Center Drive, Suite 400

Highlands Ranch, Colorado 80129

Telephone: (916) 503-9045

GERoper@pacificlegal.org

Counsel for Plaintiff

/s/ Aleshadye Getachew

Aleshadye Getachew*

(D.C. Bar No. 1007161)

Brooke Menschel

(Ala. Bar No. ASB-7675-Z61K)

Victoria Nugent* (D.C. Bar No. 470800)

Sunu Chandu* (D.C. Bar No. 1026045)

Democracy Forward Foundation

P.O. Box 34553

Washington, DC 20043

(202) 448-9090 Ext. 1011

agetachew@democracyforward.org

bmenschel@democracyforward.org

vnugent@democracyforward.org

schandy@democracyforward.org

**Admitted Pro Hac Vice*

Counsel for Intervenor Defendant

Steve Marshall

Attorney General

James W. Davis (ASB-4063-I58J)

Deputy Attorney General

/s/ Benjamin M. Seiss

Brenton M. Smith (ASB-1656-X27Q)

Benjamin M. Seiss (ASB-2110-O00W)

Assistant Attorneys General

Office of the Attorney General

State of Alabama

501 Washington Avenue

Montgomery, Alabama 36104

Telephone: (334) 242-7300

Fax: (334) 353-8400

Jim.Davis@AlabamaAG.gov

Brenton.Smith@AlabamaAG.gov

Ben.Seiss@AlabamaAG.gov

Counsel for Governor Ivey

Plaintiff certifies that counsel for Defendant and Intervenor-Defendant granted permission for this stipulation to be filed on their behalf.